

Adopted	Rejected
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## COMMITTEE REPORT

YES:	13
NO:	0

### MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph
- 2 and insert:
- 3 "SECTION 1. IC 25-26-13-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this
- 5 chapter:
- 6 "Board" means the Indiana board of pharmacy.
- 7 "Controlled drugs" are those drugs on schedules I through V of the
- 8 Federal Controlled Substances Act or on schedules I through V of
- 9 IC 35-48-2.
- 10 "Counseling" means effective communication between a
- 11 pharmacist and a patient concerning the contents, drug to drug
- 12 interactions, route, dosage, form, directions for use, precautions,
- 13 and effective use of a drug or device to improve the therapeutic
- 14 outcome of the patient through the effective use of the drug or
- 15 device.
- 16 "Dispensing" means issuing one (1) or more doses of a drug in a

1 suitable container with appropriate labeling for subsequent  
2 administration to or use by a patient.

3 "Drug" means:

4 (1) articles or substances recognized in the official United States  
5 Pharmacopoeia, official National Formulary, official  
6 Homeopathic Pharmacopoeia of the United States, or any  
7 supplement to any of them;

8 (2) articles or substances intended for use in the diagnosis, cure,  
9 mitigation, treatment, or prevention of disease in man or animals;

10 (3) articles other than food intended to affect the structure or any  
11 function of the body of man or animals; or

12 (4) articles intended for use as a component of any article  
13 specified in subdivisions (1) through (3) and devices.

14 "Drug order" means a written order in a hospital or other health care  
15 institution for an ultimate user for any drug or device, issued and  
16 signed by a practitioner, or an order transmitted by other means of  
17 communication from a practitioner, which is immediately reduced to  
18 writing by the pharmacist, registered nurse, or other licensed health  
19 care practitioner authorized by the hospital or institution. The order  
20 shall contain the name and bed number of the patient; the name and  
21 strength or size of the drug or device; unless specified by individual  
22 institution policy or guideline, the amount to be dispensed either in  
23 quantity or days; adequate directions for the proper use of the drug or  
24 device when it is administered to the patient; and the name of the  
25 prescriber.

26 **"Drug regimen review" means the retrospective, concurrent,**  
27 **and prospective review by a pharmacist of a patient's drug related**  
28 **history that includes the following areas:**

29 (1) **Evaluation of prescriptions or drug orders and patient**  
30 **records for drug allergies, rational therapy contradictions,**  
31 **appropriate dose and route of administration, appropriate**  
32 **directions for use, or duplicative therapies.**

33 (2) **Evaluation of prescriptions or drug orders and patient**  
34 **records for drug-drug, drug-food, drug-disease, and**  
35 **drug-clinical laboratory interactions.**

36 (3) **Evaluation of prescriptions or drug orders and patient**  
37 **records for adverse drug reactions.**

38 (4) **Evaluation of prescriptions or drug orders and patient**

1           **records for proper utilization and optimal therapeutic**  
 2           **outcomes.**

3           **"Drug utilization review" means a program designed to**  
 4           **measure and assess on a retrospective and prospective basis the**  
 5           **proper use of drugs.**

6           "Device" means an instrument, apparatus, implement, machine,  
 7           contrivance, implant, invitro reagent, or other similar or related article  
 8           including any component part or accessory, which is:

9           (1) recognized in the official United States Pharmacopoeia,  
 10           official National Formulary, or any supplement to them;

11           (2) intended for use in the diagnosis of disease or other conditions  
 12           or the cure, mitigation, treatment, or prevention of disease in man  
 13           or other animals; or

14           (3) intended to affect the structure or any function of the body of  
 15           man or other animals and which does not achieve any of its  
 16           principal intended purpose through chemical action within or on  
 17           the body of man or other animals and which is not dependent  
 18           upon being metabolized for the achievement of any of its  
 19           principal intended purposes.

20           "Investigational or new drug" means any drug which is limited by  
 21           state or federal law to use under professional supervision of a  
 22           practitioner authorized by law to prescribe or administer such drug.

23           "Legend drug" has the meaning set forth in IC 16-18-2-199.

24           "License" and "permit" are interchangeable and mean a written  
 25           certificate from the Indiana board of pharmacy for the practice of  
 26           pharmacy or the operation of a pharmacy.

27           "Person" means any individual, partnership, copartnership, firm,  
 28           company, corporation, association, joint stock company, trust, estate,  
 29           or municipality, or a legal representative or agent, unless this chapter  
 30           expressly provides otherwise.

31           "Practitioner" means a physician licensed under IC 25-22.5, a  
 32           veterinarian licensed under IC 15-5-1.1, a dentist licensed under  
 33           IC 25-14, a podiatrist licensed under IC 25-29, or any other person  
 34           licensed by law to prescribe and administer legend drugs in this state.

35           "Pharmacist" means a person licensed under this chapter.

36           "Pharmacist extern" means a pharmacy student enrolled full-time in  
 37           an approved school of pharmacy and who is working in a school  
 38           sponsored, board approved program related to the practice of

1 pharmacy.

2 "Pharmacist intern" means a person who is working to secure  
3 additional hours of practice and experience prior to making application  
4 for a license to practice as a pharmacist.

5 "Pharmacy" means any facility, department, or other place where  
6 prescriptions are filled or compounded and are sold, dispensed, offered,  
7 or displayed for sale and which has as its principal purpose the  
8 dispensing of drug and health supplies intended for the general health,  
9 welfare, and safety of the public, without placing any other activity on  
10 a more important level than the practice of pharmacy.

11 "The practice of pharmacy" or "the practice of the profession of  
12 pharmacy" ~~or the practice of the "profession of pharmacy"~~ means a  
13 **patient oriented health care profession in which pharmacists**  
14 **interact and consult with patients and with other health care**  
15 **professionals concerning drugs and devices used to enhance**  
16 **patients' wellness, prevent illness, and optimize outcomes, by**  
17 **accepting responsibility for performing or supervising the**  
18 **following acts, services, and operations:**

19 (1) The offering ~~of~~ or performing of those acts, service operations,  
20 or transactions incidental to the interpretation, **evaluation, and**  
21 **implementation** of a ~~prescription~~ **prescriptions or drug orders.**

22 (2) The compounding, **labeling**, administering, dispensing, or  
23 selling of drugs and devices, **including radioactive substances,**  
24 whether dispensed ~~on~~ **under a practitioner's prescription or**  
25 **drug order**, or sold or given directly to the ultimate consumer. ~~or~~

26 (3) The proper and safe storage and distribution of drugs and  
27 devices.

28 (4) The maintenance of proper records of **the receipt, storage,**  
29 **sale, and dispensing of** drugs and devices.

30 (5) ~~and the responsibility for~~ **Counseling, advising, and**  
31 **educating patients, patients' caregivers, and health care**  
32 **providers and professionals**, as necessary, as to the contents,  
33 therapeutic values, ~~hazards,~~ **uses, significant problems, risks,**  
34 and appropriate manner of use of drugs ~~or~~ **and** devices.

35 (6) **Assessing, recording, and reporting events related to the**  
36 **use of drugs or devices.**

37 (7) **Obtaining and maintaining patient profiles, patient drug**  
38 **histories relating to therapy, other pharmacy records, and**

1 other patient health records.

2 (8) Monitoring, recording, and reporting drug therapy and  
3 use.

4 (9) Performing drug evaluation, drug utilization review, and  
5 drug regimen review.

6 (10) Participation in the selection, storage, and distribution of  
7 drugs, dietary supplements, and devices.

8 (11) Participation in drug or drug related research.

9 (12) Provision of the professional acts, professional decisions,  
10 and professional services necessary to maintain all areas of a  
11 patient's pharmacy related care as specifically authorized  
12 under this article.

13 "Prescription" means a written order **or an order transmitted by**  
14 **other means of communication from a practitioner** to or for an  
15 ultimate user for any drug or device containing the name and address  
16 of the patient, the name and strength or size of the drug or device, the  
17 amount to be dispensed, adequate directions for the proper use of the  
18 drug or device by the patient, and the name of the practitioner issued  
19 and signed by a practitioner. ~~or an order transmitted by other means of~~  
20 ~~communication from a practitioner and which is immediately reduced~~  
21 ~~to writing by the pharmacist.~~

22 "Record" means all papers, letters, memoranda, notes, prescriptions,  
23 drug orders, invoices, statements, patient medication charts or files,  
24 computerized records, or other written indicia, documents or objects  
25 which are used in any way in connection with the purchase, sale, or  
26 handling of any drug or device.

27 "Sale" means every sale and includes:

- 28 (1) manufacturing, processing, transporting, handling, packaging,
- 29 or any other production, preparation, or repackaging;
- 30 (2) exposure, offer, or any other proffer;
- 31 (3) holding, storing, or any other possession;
- 32 (4) dispensing, giving, delivering, or any other supplying; and
- 33 (5) applying, administering, or any other using."

34 Page 1, line 1, delete "27-8-27" and insert "27-8-27.6".

35 Page 1, line 3, begin a new paragraph beginning with "Chapter".

36 Page 1, line 3, delete "27." and insert "**27.6**".

37 Page 1, line 5, after "1." insert "(a)".

38 Page 2, line 1, delete "1999" and insert "**2000**".

- 1       Page 2, between lines 1 and 2, begin a new paragraph and insert:  
2       **"(b) This chapter does not apply to a policy or contract with a**  
3       **federal governmental entity to insure or administer the**  
4       **Medicare+Choice plan or a plan that covers military or civilian**  
5       **federal employees and their dependents."**  
6       Page 2, line 29 delete "a" and insert "**an in-network**".  
7       Page 2, line 31, after "provide" insert "**all**".  
8       Renumber all SECTIONS consecutively.  
      (Reference is to SB 153 as printed February 26, 1999.)

**and when so amended that said bill do pass.**

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Representative Brown C